

## **ARTICLE XXX**

### **TOWERS AND ANTENNAS**

#### **Section 30.01 Intent and Purpose**

A. The intent and purpose of this section is to establish general guidelines for the citing of towers and antennas. The goals of this ordinance are to:

1. protect residential areas and land uses from potential adverse impacts of towers and antennas;
  2. encourage the location of towers in non-residential areas;
  3. minimize the total number of towers throughout the community;
  4. strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers;
  5. encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;
  6. encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, citing, landscape screening, and innovative camouflaging techniques;
  7. enhance the ability of the providers of services to provide such services to the community quickly, effectively, and efficiently; consider the public health and safety of towers; and
  8. avoid potential damage to adjacent properties from tower failure through engineering and
- B. In further and of these goals, Solon Township shall give due consideration to the zoning map, existing land uses, and environmentally sensitive areas in approving sties for the location of towers and antennas.

#### **Section 30.02 Tower/Antenna Definitions.**

As used in this section, the following terms shall have the meanings set forth below:

**ALTERNATIVE TOWER STRUCTURE** - Man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

**ANTENNA** - Any exterior transmitting or receiving device mounted on a tower building or structure that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

**BACKHAUL NETWORK** - The lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

**FAA** - The Federal Aviation Administration.

**FCC** - The Federal Communications Commission.

**HEIGHT** - When referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

**PRE-EXISTING TOWERS AND PRE-EXISTING ANTENNAS** - Any tower or antenna for which a building permit or special use permit has been properly issued prior to the effective date of this ordinance, including permitted towers or antennas that have not yet been constructed so

long as such approval is current and not expired.

**TOWER** - Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, monopole towers, or poles. The term includes, but is not limited to, radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

### **Section 30.03 Applicability**

- A. New towers and Antennas. All new towers or antennas in Solon Township shall be subject to these regulations except as provided in Section 30.03 , Tower and Antenna definitions B. through D.
- B. Amateur Radio Station Operators/Receive Only Antennas. This ordinance shall not govern any tower, or the installation of any antenna, that is under sixty (60) feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive only antennas.
- C. Preexisting Towers or Antennas. Preexisting towers and preexisting antennas shall not be required to meet the requirements of this zoning ordinance, other than the requirements of Section 3, Tower and Antennas Definitions , provided they are not improved in a way which raises their pre-existing height.
- D. AM Array. For purposes of implementing this ordinance, an AM array, consisting of one or more tower units and supporting ground system which functions as one AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.

### **Section 30.04 General Requirements**

- A. Principal or Accessory Use. Antennas and towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.
- B. Lot Size. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.
- C. Inventory of Existing Sites. Each applicant for an antenna and/or tower shall provide to the Zoning Administrator an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of Solon Township or within six miles of the border thereof, including specific information about the coverage area, location, height, and design of each tower. The Zoning Administrator may share such information with other applicants applying for administrative approvals or special use permits under this ordinance or other organizations seeking to locate antennas within the jurisdiction of Solon Township, provided, however that the Zoning Administrator is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
- D. Aesthetics. Towers and antennas shall meet the following requirements:
  - 1) Towers will be monotube and unguyed. There will be no lattice work towers allowed. The tower height will be limited to one hundred ninety nine (199) feet.
  - 2) Towers shall either maintain a galvanized steel finish or, subject to any applicable

standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.

- 3) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
- 4) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- E. Lighting. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.
- F. State or Federal Requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
- G. Building codes: safety standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the Solon Township Board's designee or the Leelanau County Inspections Department concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days shall constitute grounds for the removal of the tower or antenna at the owner's expense.
- H. Measurement. For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in Solon Township irrespective of municipal and county jurisdictional boundaries.
- I. Not Essential Services. Towers and antennas shall be regulated and permitted pursuant to this section of the zoning ordinance and shall not be regulated or permitted as essential services, public utilities, or private utilities. Personal wireless services are specifically determined not to be essential services nor to be public utilities as such terms are used in the Solon Township Zoning Ordinance, Section 4.02
- J. Franchises. Owners and/or operators of towers or antennas shall certify that all franchises required by law, for the construction and/or operation of a wireless communication system in Solon Township have been obtained and shall file a copy of all required franchises with the Zoning Administrator.
- K. Public Notice. For purposes of this section of the zoning ordinance, any special use request, variance request, or appeal of an administratively approved use or special use shall require public notice to all abutting property owners and all property owners of properties that are located within the corresponding separation distance listed in Section 30.04 General Requirements P.2., Table 1, in addition to any notice otherwise required by the Zoning Ordinance.
- L. Signs. No signs or advertising shall be allowed on an antenna or tower, except safety related

signs.

- M. Buildings and Support/Storage Equipment. Buildings and support equipment associated with antennas or towers shall comply with the following requirements:
- 1) Antennas Mounted on Structures or Rooftops. The equipment cabinet or structure used in association with antennas shall comply with the following:
    - a) The cabinet or structure shall not contain more than sixteen (16) square feet of gross floor area or be more than six (6) feet in height. In addition, for buildings and structures which are less than sixty-five (65) feet in height, the related unmanned equipment structure, if over sixteen (16) square feet of gross floor area or six (6) feet in height, shall be located on the ground and shall not be located on the roof of the structure.
    - b) Equipment storage buildings or cabinets shall comply with all applicable building codes.
  - 2) Antennas Mounted on Utility Poles or Light Poles. The equipment cabinet or structure used in association with antennas shall be located in accordance with the following:
    - a) In the residential/commercial/agricultural districts, the equipment cabinet or structure may be located:
      - (1) In a front or side yard provided the cabinet or structure is no greater than four (4) feet in height or sixteen (16) square feet of gross-floor area. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of at least forty two to forty eight (42-48) inches and a planted height of at least thirty six (36) inches, with eighty five (85) per cent opacity throughout the year.
      - (2) In a rear yard, provided the cabinet or structure is no greater than six (6) feet in height or sixteen (16) square feet in gross floor area. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of eight (8) feet and a planted height of at least thirty six (36) inches, with eighty five (85) per cent opacity throughout the year.
    - b) In industrial districts the equipment cabinet or structure shall be no greater than twelve (12) feet in height or one hundred (100) square feet in gross floor area. The structure or cabinet shall be screened by an evergreen hedge with an ultimate height of eight (8) feet and a planted height of at least thirty six (36) inches, with eighty five (85) per cent opacity throughout the year. In all other instances, structures or cabinets shall be screened from view of all residential properties which abut or are directly across the street from the structure or cabinet by a solid fence eight (8) feet in height or an evergreen hedge with an ultimate height of eight (8) feet and a planted height of at least thirty six (36) inches, with eighty five (85) per cent opacity throughout the year.
  - 3) Antennas Located on Towers. The related unmanned equipment structure shall not contain more than one hundred (100) square feet of gross floor area or be more than twelve (12) feet in height, and shall be located in accordance with the minimum yard requirements of the zoning district in which located.
  - 4) Modification of Building Size Requirements. The requirements of Sections 30.04, M 1-3 may be modified by the zoning administrator, in the case of administratively approved uses; or by the Planning Commission, in the case of uses permitted by special use to encourage collocation.
- N. Availability of Suitable Existing Towers, Other Structures, or Alternative Technology. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Zoning Administrator/Planning Commission that this is an essential

service and that no existing tower, structures or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Zoning Administrator/Planning Commission related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

- 1) No existing towers or structures are located within the geographic area which meet applicant's engineering requirements.
  - 2) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
  - 3) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
  - 4) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
  - 5) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
  - 6) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
  - 7) The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.
- O. Setbacks. The following setback requirements shall apply to all towers; provided, however, that the Planning Commission may reduce the standard setback requirements if the goals of this ordinance would be better served thereby:
- 1) Towers must be set back a distance equal to at least one hundred (100) feet or one hundred ten (110) per cent of the height of the tower from any adjoining lot line, or whichever is greater.
  - 2) Guys and accessory buildings must satisfy the minimum zoning district setback requirements.
- P. Separation. The following separation requirements shall apply to all towers and antennas; provided, however, that the Planning Commission may reduce the standard separation requirements if the goals of this ordinance would be better served thereby.
- 1) Separation from off-site uses/designated areas. A tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or designated areas as specified in Table 1, except as otherwise provided in Table 1.
  - 2) Separation requirements for towers shall comply with the minimum standards established in Table 1.

**Table 1:**

Off-site Use/Designated Area	Separation Distance one hundred (100) feet or one hundred ten (110) per cent height of tower, whichever is greater. Separation measured from base of tower to closest building setback line.
Residential/Commercial/Agricultural districts.	Separation Distance one hundred (100) feet or one hundred ten (110) per cent height of tower, whichever is greater. Separation measured from base of tower to closest building setback line.
Vacant single-family or duplex res/com/ag zoned land of which is either platted or has preliminary subdivision/site condominium plan approval which is not expired	Separation Distance one hundred (100) feet or one hundred ten (110) per cent height of tower, whichever is greater. Separation measured from base of tower to closest building setback line.
Industrial zoned lands	None; only setbacks apply

3. Separation distances between towers. Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. The separation distances (listed in linear feet) shall be as shown in Table 2.

**Table 2: Existing Towers - Types**

	Lattice	Guyed	Monopole 75 Ft in Height or Greater	Monopole 75 Ft in Height or Less
Lattice	5,000	5,000	1,500	750
Guyed	5,000	5,000	1,500	750
Monopole 75 Ft in Height or Greater	1,500	1,500	1,500	750
Monopole 75 Ft in Height or Less	750	750	750	750

The above requirements may be modified or waived by the Planning Commission depending on site conditions or site terrain.

Q. Security fencing - Towers shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device; provided however, that the Planning Commission may waive such requirements, as it deems appropriate.

R. Landscaping - The following requirements shall govern the landscaping surrounding towers for which a special use permit is required; provided, however, that the Planning Commission may waive such requirements if the goals of this ordinance would be better served thereby.

1) Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the compound.

- 2) In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.
- 3) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers cited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

**Section 30.05 Specific Site Plan Review Requirements for Towers and Antennas**

The following requirements shall be part of the site plan review requirements for towers and antenna:

- A. Applications for site plan review under this sub-section shall be subject to the procedures and requirements of the Zoning Ordinance, except as modified in this sub-section.
- B. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.
- C. A professionally prepared scaled site plan, elevation drawings, and narratives clearly indicating:
  1. the location, type and height of the proposed tower;
  2. on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities);
  3. Master Plan classification of the site and all properties within the applicable separation distances set forth in Section 4, General Requirements, P;
  4. adjacent roadways, proposed means of access;
  5. setbacks from property lines;
  6. elevation of the proposed tower and any other structures;
  7. topography elevation;
  8. parking; and
  9. other information deemed by the Staff Planner or Planning Commission to be necessary to assess compliance with the intent of this zoning ordinance.
- D. Legal description of the parent tract and leased parcel (if applicable).
- E. The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties, including those within the commercial and agricultural districts.
- F. The separation distance from other towers described in the inventory of existing sites submitted pursuant to Section 30.04 General Requirements C shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.
- G. A landscape plan showing specific landscape materials.
- H. Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.
- I. A descriptive narrative of compliance with Section 30.04 General Requirements
  1. Inventory of Existing Site;
  2. Aesthetics;
  3. Lighting;
  4. State or Federal Requirements;
  5. Building Codes/Safety Standards;
  6. Franchises;
  7. Signs;
  8. Buildings & Support/Storage Equipment;

9. Setbacks;
  10. Separation;
  11. Security Fencing;
  12. Landscaping; and all applicable federal, state or local laws.
- J. A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users,
  - K. Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the coverage area which have an impact on this application..
  - L. A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.
  - M. A description of the feasible location(s) of future towers or antennas within Solon Township based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.

### **Section 30.06 Exempt Tower and Antenna Uses**

- A. The uses listed in this sub-section are deemed to be exempt uses and shall not require the Zoning Administrator administrative approval or Planning Commission site plan review and special land use permit.
- B. The following uses are specifically exempted: Antennas or towers located on property owned, leased, or otherwise controlled by Solon Township provided a license or lease authorizing such antenna or tower has been approved by the Solon Township Board.

### **Section 30.07 Administratively Approved Uses**

- A. The following provisions shall govern the issuance of the Zoning Administrator's administrative approvals for towers antennas.
  1. The Zoning Administrator may administratively approve the uses listed in this sub section.
  2. Each applicant for administrative approval shall apply to the Zoning Administrator providing the information set forth in Sections 4 and 5 of this zoning ordinance and a non-refundable fee as established by resolution of Solon Township Board, Solon Township Ordinance Fees for Processing Zoning and Land Use Requests as amended, to reimburse Solon Township for the costs of reviewing the application and construction inspection.
  3. The Zoning Administrator shall review the application for administrative approval and determine if the proposed use complies with sub-section 30.04, in its entirety.
  4. The Zoning Administrator shall respond to each such **complete** application within sixty (60) days after receiving it by either approving or denying the application. If the Zoning Administrator fails to respond to the applicant within said sixty (60) days, then the application shall be deemed to be approved.
  5. In connection with any such administrative approval, the Zoning Administrator may, in order to encourage the use of monopoles, administratively allow the reconstruction of an existing tower to monopole construction.
  6. If an administrative approval is denied, the applicant shall file an application for a special use permit pursuant to Section 30.08 to filing any appeal that may be additionally available under the requirements of this Zoning Ordinance.



- B. List of Administratively Approved Uses. The following uses may be approved by the Zoning Administrator after conducting an administrative review:
1. Locating a monopole tower or antenna, including the placement of additional buildings or other supporting equipment used in connection with said tower or antenna, in the industrial zoning district, provided said monopole tower or antenna does not exceed one hundred ninety nine (199) feet in height.
  2. Locating antennas on existing structures or towers consistent with the terms of subsections a. and b. below.
    - a. Antennas on existing structures. Any antenna which is not attached to a tower may be approved by the Staff Planner as an accessory use to any commercial, industrial or agricultural structure, provided:
      - (1). The antenna does not extend more than thirty (30) feet above the highest point of the structure or a height of sixty (60) feet, whichever is less;
      - (2). The antenna complies with all applicable FCC and FAA regulations; and
      - (3). The antenna complies with all applicable building codes.
    - b. Co-location of antennas on existing towers. An antenna which is attached to an existing tower may be approved by the Zoning Administrator, to minimize adverse visual impacts associated with the proliferation and clustering of towers, collocation of antennas by more than one carrier on existing towers shall take precedence over the construction of new towers (see Section 30.04, N.), provided such collocation is accomplished in a manner consistent with the following:
      - (1). A tower which is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same tower type as the existing tower, unless the Zoning Administrator allows reconstruction as a monopole.
      - (2). Height
        - (a). An existing tower may be modified or rebuilt to a taller height, not to exceed thirty (30) feet over the tower's existing height or one hundred ninety nine (199) feet total height, whichever is shorter, to accommodate the collocation of an additional antenna.
        - (b). The height change referred to in subsection 2. (a) (1) may only occur one time per tower.
        - (c). The additional height referred-to in subsection 2. (a) (1) shall not require an additional distance separation as set forth in Section 30.04 P. The tower's premodification height shall be used to calculate such distance separations.
      - (3). On-site location
        - (a). A tower which is being rebuilt to accommodate the collocation of an additional antenna may be moved on site within fifty (50) feet of its existing location, provided setback and distance separations minimums are maintained.
        - (b). After the tower is rebuilt to accommodate collocation, only the rebuilt tower may remain on site.
        - (c). A relocated On-site tower shall continue to be measured from the original tower location for purposes of calculating separation

distances between towers pursuant to Section 30.04 P. The relocation of a tower hereunder shall in no way be deemed to cause a violation of Section 30.04 p.

(d). The on-site relocation of a tower which comes within the separation distances to residential units or residentially zoned lands as established in Section 30.04 P. shall only be permitted when approved by the Staff Planner.

3. Installing a cable microcell network through the use of multiple low-powered transmitters/receivers attached to existing wireline systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers.

### **Section 30.08 Special Land Use Permits**

- A. If the tower or antenna is not an exempted use under Section 6 of this zoning ordinance or permitted to be approved administratively pursuant to Section 7 of this zoning ordinance, then a special land use permit shall be required for the construction of a tower or the placement of an antenna in all zoning districts.
- B. In granting a special use permit, the Planning Commission may impose conditions to the extent the Planning Commission concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.
- C. Each applicant for special land use permit approval shall apply to the Planning Commission, through the Zoning Administrator providing the information set forth in sections 4, 5, and this section 8 zoning ordinance and a non-refundable fee as established by resolution of Solon Township Board, Solon Township Ordinance Fees for Processing :Zoning and Land Use Requests and to reimburse Solon Township for the costs of reviewing the application, along with the required signed and notarized "ACKNOWLEDGMENT OF RECEIPT & AGREEMENT OF COMPLIANCE" form.
- D. Factors Considered in Granting Special Use Permits for Towers. In addition to any standards for consideration of special use permit applications pursuant to Article XI of this Zoning Ordinance, the Planning Commission shall consider the following factors in determining whether to issue a special use permit, although the Planning Commission may waive or reduce the burden on the applicant of one or more of these criteria if the Planning Commission concludes that the goals of this zoning ordinance are better served thereby:
  1. Height of the proposed tower;
  2. Proximity of the tower to residential structures and residential district boundaries;
  3. Nature of uses on adjacent and nearby properties;
  4. Surrounding topography;
  5. Surrounding tree coverage and foliage;
  6. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
  7. Proposed ingress and egress; and
  8. Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in Section 30.04 N of this zoning ordinance.

### **Section 30.09 Removal of Abandoned Antennas and Towers.**

- A. Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned. The owner of such antenna or tower or property owner shall remove the same within ninety (90) days of receipt of notice from the Solon Township Zoning Administrator notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said ninety (90) day shall be grounds to remove the tower or antenna at the owner's expense. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease using the tower.
- B. An annual report must be sent to the Zoning Administrator regarding the function and ownership of the operating towers.
- C. If abandoned, owners need to notify the Zoning Administrator thirty (30) days prior to abandonment and must remove the unused towers.
- D. If the tower is sold, the township must be notified of the transaction and of the new owners.

### **Section 30.10 Nonconforming Tower Uses**

- A. Not Expansion of Nonconforming Use. Towers that are constructed, and antennas that are installed, in accordance with the provisions of this ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.
- B. Pre-existing towers. Pre-existing towers shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such pre-existing towers. New construction other than routine maintenance on a pre-existing tower shall comply with the requirements of this ordinance.
- C. Rebuilding Damaged or Destroyed Nonconforming Towers or Antennas. Notwithstanding Section 30.09, bona fide nonconforming towers or antennas that are damaged or destroyed may be rebuilt without having to first obtain administrative approval or a special use permit and without having to meet the separation requirements specified in Sections 30.04 O. and P. The type, height, and location of the tower on-site shall be of the same type and intensity as the original facility approval. Building permits to rebuild the facility shall comply with the then applicable building codes and shall be obtained within one hundred eighty (180) days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned as specified in Section 30.09.